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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------|------------------------|
| 10/625,280  | 07/23/2003  | Kevin F. Corcoran    | CRNT-0141-US                 | 7901                   |
| 64713 7590 11/30/2007<br>CAPITAL LEGAL GROUP, LLC<br>1100 River Bay Road<br>Annapolis, MD 21409 |             |                      | EXAMINER<br>QURESHI, AFSAR M |                        |
|   |             |                      | ART UNIT<br>2616             | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/30/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/625,280

Applicant(s)

CORCORAN, KEVIN F.

Examiner

Afsar M. Qureshi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Q.Q.

### **DETAILED ACTION**

1. This action is responsive to communication dated 9/06/2007. Applicant elected Group I (Claims 1-35 and 49) and withdrew the claims of Group II (Claims 36-48 and 50-55).

Claims 36-48 and 50-55 have been canceled. Claims 1-35 and 49 are pending in the application.

2. Applicant is advised that should claims 26 and 27 be found allowable, claims 26 and 27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr et al. (US 2003/0021388) in view of Zalitzky et al. (US 2004/0037317).

As to claims 1, 28 and 49, Starr et al. ('Starr') disclose a hand held (portable) test device connected by way of a transmission line 14 to a network interface device 16 at the customer premises user interface 100 ; a memory 32 storing testing sequence and logic ([0023], lines 3-4, figures 2 and 3). The test set performs as an ADSL modem, a test signal is transmitted over the network and the response is presented to the user by the user interface 48 or displayed ([0022]) (claims 1, 9, 28 and 49). The process includes loudness scaling and noise power, transmitting test tones, analyzing response and delay and distortion ([0023]) (claims 29-35). The test set comprising digital signal processor (DSP 36) and D/A to A/D converter 44 (codec) (claims 2-3). The ADSL modem can also be considered as power line modem and as cable modem (see [0035]) (claims 5 and 7). Starr further discloses that the telephone line testing procedures can be initiated by dial-up voice band modem connection ([0031]) can be considered as manual voice input device and the results are transmitted to computer 18 screen for display (claim 10). Starr discloses controller 30 (fig. 2) (claims 11 and 17). Further, Starr discloses that interface 46 transmits signals to and receives signals from the network interface device 16 along transmission line 14 via communication interface device 16 with tip and ring (fig. 3) wherein communication interface port comprises a telephone wall jack i.e., RJ 11 ([0015], [0035]) (claims 8, 13-15).

As to claims 20, 21 and 23, Starr does not specifically disclose a network status indicator, however, the whole purpose of test device is to analyze the data and generate

an output value indicative of the electrical characteristics (MOS) of the communication channel as a line quality value which is then displayed to the end user as a network status indicator (see [0029]). Furthermore, as indicated in Disclosure [0035], assessing call quality based on measurements are well known to those skilled in the art.

Starr fails to specifically disclose that the test device is a voice VoIP test device (claim 1-35 and 36) although the XDSL modems can be used as VoIP test devices to test the VoIP network; Starr is silent about the compression protocols used, in coding and encoding, by digital signal processor 36 (claims 6, 18); Starr, also, fails to disclose that transceiver 28 is an Ethernet transceiver (claims 6, 16), comprising audio input and audio output (claim 8); a dual tone multi-frequency encoder (claim 12); Starr discloses an input via dial up, as discussed above, however, Starr does not specifically disclose test device including a hand set and a base (claim 22).

Zalitzky et al. ('Zalitzky'), in the same field of endeavor, discloses a VoIP test device (power line modem 50) (see figure 2) comprising Ethernet transceiver (figure 2) using various data compression schemes ([0054], [0057] and [0058]) (claims 4 and 18). Zalitzky further discloses a dual tone multi-frequency encoder 82 (fig. 2) ([0045]); memories 66 and 70 containing routing tables, MAC addresses and logic for requesting and communicating IP addresses ([0039], [0043] and [0051]) (claims 24-27)

Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention, to be able to modify Starr by utilizing design and operation of multifunction modem 50 (fig. 2) and header compression techniques disclosed by

Zalitzky into the portable test device of Starr in order to communicate with the VoIP network thereby establishing a reliable communication channel over the data link and be able to test the customer connections to the XDSL communication services, remotely, at a lower cost.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lansing et al. (US 2003/0058889)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**AFSAR QURESHI**  
**PRIMARY EXAMINER**  
11/28/2007